IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.19093 of 2004

Between:

1 Kodali Rajendra Prasad, S/o. Sreemannarayana,
R/o. Kovvali, Denduluru Mandal,
W.G.District.
2 Motaparthi Surya Venkata Satyanarayana, S/o. Ramachandra Rao,
Denduluru Mandal, R/o. Kawali, W.G.District.

...PETITIONERS

AND

1. The Andhra Pradesh State Wakf Board, Rep.by its Chief Executive Officer, Hyderabad.

2. Inspector Auditor Wakf, West Godavari District at Eluru.

3. Sri Gutha Bala Gangadhar Tilak, S/o.Ramachandra Rao, Hindu, Male, 38 years, R/o.Kovvali Village, Danduluru Mandal, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 and 2 in conducting auction of the lease hold rights of the property in petitioners' occupation on lease in an extent of Ac. 6.50 1/2 cents each in Sy. No.350 and 351 of Kovvali Village, Danduluru Mandal, West Godavari District on 11.8.2004 at 11.00 A.M. and declaring the 3rd respondent as highest bidder and dispossessing us from the said land without passing any order of eviction in the middle of the paddy crop raised by us is existing in the land at great expense and not furnishing the certified copy of the auction

proceedings dt. 11.8.2004 on our copy application but furnishing only auction notice dt. 3.8.2004 as illegal, arbitrary, unjust unwarranted violative of principles of natural justice and also Article 21 of the Constitution of India and Consequently to direct the respondent No.1 to produce the entire record relating to the auction dt. 11.08.2004 relating to lands referred to above, and set -aside the auction 11.08.2004 and restore the land to our possession.

Counsel for the Petitioners: SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondents: MR.S.M.SUBHANI (SC FOR AP WAKF BOARD)

The Court made the following:

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.19093 of 2004

ORDER:

The petitioners seek a writ of Mandamus declaring the alleged action of respondent

Nos.1 and 2 in conducting auction of lease hold rights of the property in an extent of Acs.6.50 ½ cents each in Survey Nos.350 and 351 of Kovvali Village, Danduluru Mandal, West Godavari District on 11.08.2004 at 11 am, declaring the third respondent as highest bidder and dispossessing them from the said land without passing any order of eviction and further not furnishing a certified copy of the auction proceedings dated 11.08.2004 as illegal and arbitrary.

It is to be noted that the validity of the auction was questioned by the petitioner in Writ Petition No.15205 of 2004 which was disposed of by this Court on 30.08.2004 granting leave and liberty to the petitioner to avail the alternative remedy available under the statute. The petitioner states that accordingly he filed an application before the Wakf Tribunal. However, the Appeal was not entertained on the ground that the Appeal was not accompanied by a copy of the proceedings under which lease was granted in favour of the third respondent. The petitioner states that though he made an application before the Wakf Board, the first respondent herein, the certified copy of the said proceedings have not been furnished. Hence, this writ petition seeking the above relief and to stay the execution of the lease deed in favour of the third respondent.

I have heard the learned counsel for the petitioners and learned standing counsel appearing for the first respondent, Wakf Board. Having regard to the facts and circumstances of the case and particularly in view of the fact that nothing has been placed before this Court to show that the petitioner is not entitled to the certified copy of the proceedings as sought by him, I deem it appropriate to dispose of the Writ Petition with a direction to the first respondent to furnish the certified copy of the proceedings dated 11.08.2004 as required by the petitioner, within a period of three days from the date of receipt of a copy of this order. It is made clear that, in case the 1st respondent is of the opinion that the petitioner cannot be furnished the certified copy of the said proceedings, the first respondent shall communicate the reasons to

the petitioner within the time specified above.

The Writ Petition, with the above observations, is disposed of. No costs.

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(G.ROHINI, J)

14th October 2004

Note: Issue operation portion by

Wire at party's costs

B/O

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Chief Executive Officer, Andhra Pradesh State Wakf Board, Hyderabad.
2. The Inspector Auditor Wakf, West Godavari District at Eluru.
3. Two CD copies.